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June 28, 2005

JOE P LENISKI, JR MARK A MAYHEW J GERARD STRANCH, IV

*ALSO ADMITTED IN GA

Ms Sharla Dillon Docket Room Manager Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, TN 37243-0505 Via Hand Delivery

05-00173

Re Petition of Lynwood Utility Corporation for Approval of and Authority to Borrow Up to \$1,000,000 to Repay Short Term Indebtedness Pursuant to T C.A § 65-4-109

Dear Sharla:

I have enclosed for filing an original and fourteen copies of a Petition of Lynwood Utility Corporation for Approval of and Authority to Borrow Up to \$1,000,000 to Repay Short Term Indebtedness Pursuant to T.C.A § 65-4-109 along with a check for \$25 00 for the filing fee.

I have enclosed an extra copy of the Petition which I would appreciate your returning to me stamped filed. Thank you for your assistance in this matter

® 445

Sincerely yours,

DONALD L. SCHOLES

Enclosures

c: Tyler Ring
Jim Ford

BEFORE THE TENNESSEE REGULATORY AUTHORITY

Nashville, Tennessee

In re:	PETITION OF LYNWOOD UTILITY)		
	CORPORATION FOR APPROVAL OF)		
	AND AUTHORITY TO BORROW UP)	Docket No	
	TO \$1,000,000 TO REPAY SHORT)		
	TERM INDEBTEDNESS PURSUANT TO)		
	T.C.A. § 65-4-109)		

PETITION

Comes now Lynwood Utility Corporation (Lynwood) and files this Petition for approval of and authority to borrow up to \$1,000,000 to repay short term indebtedness pursuant to T.C. A \$ 65-4-109. In support of its Petition, Lynwood states as follows:

- Lynwood Utility Corporation provides sewer service in Williamson County,

 Tennessee pursuant to a certificate of public convenience and necessity issued originally to

 Lynwood Utility Company on June 14, 1976. Lynwood provides sewer service to approximately

 725 customers.
- 2. On January 1, 2003, Lynwood entered into a Promissory Note with Tenn Contractors, Inc. for a line of credit in an amount up to \$1,250,000 with a maturity date of six months to provide short term financing for improvements to Lynwood's sewage treatment plant. Lynwood needed these funds to begin the immediate construction of upgrades to its plant required by an Order Granting Temporary Injunction issued by the Davidson County Chancery Court which enjoined Lynwood from continuing to operate its plant in violation of its NPDES permit issued by the Tennessee Department of Environment and Conservation (TDEC). A copy of this Order Granting Temporary Injunction is attached as Exhibit 1 to this Petition. This Order was entered in an action which had been filed against Lynwood by TDEC on May 23, 2002 for {002789/05319/00035109 DOC/Ver 1}

violations by Lynwood of its NPDES permit in operating its sewage treatment plant. A copy of the Verified Complaint filed against Lynwood is attached as Exhibit 2 to this Petition.

- 3. Lynwood has borrowed \$980,000 from this line of credit from Tenn Contractors, Inc to complete the upgrades to its sewage treatment plant to bring the plant into compliance with its NPDES permit and with the rules and regulations of TDEC. The original Promissory Note which matured on June 30, 2003 has been renewed for successive six month renewal periods to finance these upgrades. The current six month Promissory Note matures on June 30, 2005.
- 4. Lynwood has made no principal or interest payments to Tenn. Contractors, Inc. on the line of credit. The principal balance on the line of credit is \$980,000. The interest amount owed on the line of credit as of May 31, 2005 is \$112,422.
- 5. Lynwood has sought long term financing from financial institutions and private investors to repay the amount owed on the short term line of credit. Lynwood's financial consultant, James B. Ford, requested proposals from banks and private investors on behalf of Lynwood. Mr. Ford's pre-filed testimony in support of this Petition is attached as Exhibit 3 to this Petition.
- Mr. Ford obtained proposals for long term financing from two banks and a private investor. Based upon the proposals received, Mr. Ford recommends that Lynwood repay its short term financing by a loan from Tenn. Contractors, Inc., a private investor. The stock of Tenn. Contractors, Inc. is owned by John Ring Mr. Ring is a 50% shareholder in Southern Utility Corporation which is the sole shareholder of Lynwood.
- 7. Mr. Ford recommends that Lynwood borrow up to \$1,000,000 from Tenn.

 Contractors, Inc. to pay off the balance on the line of credit. The long term financing from Tenn

Contractors, Inc. is more advantageous to Lynwood than the proposals received from the banks. The proposed loan from Tenn. Contractors, Inc. is for 20 years, not 10 years, which will not require a refinancing and additional costs at the end of the 10 year period offered by the banks and because it requires no pledging of accounts receivables which allows Lynwood to provide working capital to make any required additions to its plant and provide funding for any emergency that may arise.

- 8. The proposed long term note from Lynwood to Tenn. Contractors, Inc. in an amount up to \$1,000,000 to pay off the balance of the line of credit is attached as Exhibit 4 to this Petition.
- 9. Lynwood anticipates that the Authority will approve Lynwood's long term financing from Tenn. Contractors, Inc. as requested as soon as it can. Because Lynwood's current line of credit note matures on June 30, 2005, Lynwood anticipates that its line of credit will be renewed for an additional six month period. To the extent the Authority determines that it needs to approve the renewal of the line of credit for another six month period pending its action on approval of the long term financing requested in this Petition, Lynwood requests such approval in connection with this Petition. Attached as Exhibit 5 to the Petition is the current line of credit note which matures on June 30, 2005. The note for the renewal of the line of credit for an additional six month period will be identical in form to Exhibit 5.

WHEREFORE, PREMISES CONSIDERED, PETITIONER PRAYS THAT THE AUTHORITY:

1. Approve the issuance of a long term note to Tenn. Contractors, Inc. in an amount up to \$1,000,000 pursuant to T.C.A. § 65-4-109 to repay the short term financing of upgrades to Lynwood's sewage treatment plant from its present line of credit.

- Approve, if the Authority deems necessary, the renewal of the short term line of credit from Tenn. Contractors, Inc. for an additional six months beginning July 1, 2005 until the Authority approves the long term financing requested in this Petition and the balance of such line of credit is paid off from such long term financing.
 - 3. Have such other relief to which it may be entitled.

Respectfully submitted,

DONALD L. SCHOLES

BRANSTETTER, KILGORE, STRANCH & JENNINGS 227 Second Avenue, North, Fourth Floor Nashville, TN 37201-1631

(615) 254-8801

Attorney for Lynwood Utility Corporation

74518A

EXHIBIT

1

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY RECEIVED

STATE OF TENNESSEE, ex rel.
PAUL G. SUMMERS, in his official capacity
as the Attorney General And Reporter of
Tennessee and MILTON H. HAMILTON, JR.
Commissioner of the Tennessee Department of
Environment and Conservation,

Plaintiffs, '

MATT and ANN DOBSON, MARTIN and LAURIE CLAYTON, HANK and MARY BROCKMAN, DR. DANIEL and LORIE CANALE, BRENT and JANEL MAHER, DIANNA MAHER, RON and DONNA TUTT, and DR. BEN GRIFFITH,

Plaintiffs-Intervenors,

SOUTHERN UTILITY CORPORATION, d/b/a LYNWOOD UTILITY, CORPORATION and DAVIS LAMB,

Defendants.

Dav. Co Chancery Court

DEC 3 0 2002

/^{\(\frac{1}{2}\)}No. 02-1538-III

ORDER GRANTING TEMPORARY INJUNCTION

Plaintiffs, State of Tennessee, ex rel the Attorney General and Reporter, and the Commissioner of the Tennessee Department of Environment and Conservation, filed a motion for temporary injunction under the Water Quality Control Act, Tenn Code Ann §§ 69-3-101 to 69-3-137, which came to be heard on December 20, 2002 before the Honorable Ellen Hobbs Lyle The plaintiffs-intervenors joined in the State's motion. Based on the motion, responses and affidavits filed by the parties, arguments of counsel, and the entire record in this cause, the Court finds that the State's application should be granted in the following respects:

The record reflects that the defendants have a five year history of violations of their National Pollutant Discharge Elimination System (NPDES) permits, and as recently as October 2002 defendants have not conducted laboratory operations, including sample collection and analysis, in accordance with EPA-approved methodology, as mandated in their existing NPDES permit

(m1-7-03

- In accordance with Tenn. Code Ann §69-3-117, the defendants are enjoined from operating their sewage treatment plant in violation of the effluent parameters and all other terms and conditions of their 1999 and 2002 NPDES permits, which are not under appeal to the Tennessee Water Quality Control Board
 - 3 This injunction shall take effect immediately

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that defendants must immediately comply with the effluent parameters and all other terms and conditions of their 1999 and 2002 NPDES permits, which are not under appeal to the Tennessee Water Quality Control Board. All other matters are reserved pending further Orders in this cause.

ELLEN HOBBS LYUE CHANCELLOR

SUBMITTED FOR ENTRY.

Elizabeth P McCarter (BPR # 10531)

Senior Counsel

Office of the Attorney General

P O. Box 20207

Nashville, TN 37202

(615) 532-2582

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing proposed Order has been served upon the following via fax and first class mail, postage prepaid, on this 30 day of December 2002

Jeffrey R. King Stites & Harbison PLLC SunTrust Center 424 Church Street, Suite 1800 Nashville, TN 37219-2387

> Elizabeth L Murphy Attorney at Law 45 Music Square West Nashville, TN 37203

> > Elizabeth P. McCarter

Senior Counsel

2

IN THE CHANCERY COURT FOR THE STATE OF TENNESS TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

STATE OF TENNESSEE, ex rel.
PAUL G. SUMMERS, in his official capacity
as the Attorney General And Reporter of
Tennessee and MILTON H. HAMILTON, JR.
Commissioner of the Tennessee Department of
Environment and Conservation,

Plaintiffs,

`SOUTHERN UTILITY CORPORATION, dba LYNNWOOD UTILITY CORPORATION, and DAVIS LAMB,

v.

Defendants.

No. 02-1538-111 23 FH 3: 22

VERIFIED COMPLAINT

This action represents a request for injunctive relief and civil penalties under the Water Quality Control Act of 1977, as amended, Tenn Code Ann. §§ 69-3-101 to 69-3-137 (WQCA), against defendants Southern Utility Corporation dba Lynnwood Utility Corporation and Davis Lamb. The plaintiffs seek from this Court. (1) a permanent injunction requiring the defendants to come into compliance with the Act and the regulations thereunder with respect to the operation of their sewage treatment plant in Williamson County, Tennessee, and (2) an order and judgment from this Court assessing civil penalties against defendants, jointly and severally, for water quality violations in accordance with Tenn. Code Ann. § 69-3-115. In accordance with the Tennessee Supreme Court's decision in City of Chattanooga v. Davis and Barrett v. Metropolitan Government of Nashville and Davidson County, 54 S. W. 3d 248 (Tenn. 2001), the defendants may be entitled to a jury solely for the purpose of the assessment of any civil penalties by this Court.

I. JURISDICTION AND VENUE

- Thus Court has jurisdiction over this action in accordance with the provisions of Tenn Code Ann §§ 69-3-115 and 69-3-117
- Venue of this action lies in Davidson County in accordance with the provisions of Tenn Code Ann §§ 69-3-115 and 69-3-117

II. PARTIES

- This action is brought in the name of the State of Tennessee by plaintiff, Paul G Summers, in his official capacity as Attorney General and Reporter for the State of Tennessee The Attorney General is the chief law enforcement officer of the State of Tennessee, of all its departments, commissions and agencies Tenn Code Ann §§ 8-6-109 and 8-6-301 The Attorney General also has authority over litigation involving the public interest. The Attorney General's official residence is in Nashville, Davidson County, Tennessee
- 4. This action is also brought in the name of the plaintiff, Milton H Hamilton, Jr, in his official capacity as Commissioner of the Tennessee Department of Environment and Conservation (TDEC) The TDEC Commissioner is charged by Tenn Code Ann §§ 69-3-107 with the duty and responsibility to exercise general supervision and enforcement of the Water Quality Control Act and to bring suit for any violations thereunder. (Attached hereto as Exhibit 1 is the Affidavit and Verification of Christopher S. Moran, Enforcement Manager with TDEC Division of Water Pollution Control) The Commissioner's official residence is in Nashville, Davidson County, Tennessee
- 5. Southern Utility Corporation (hereinafter "Southern" or "Lynnwood"), is a domestic corporation doing business in the State of Tennessee, with its principal offices located at 5214 Maryland Way, Suite 405, Brentwood, Tennessee 37027. Upon information and belief, Southern is doing business as Lynnwood Utility Corporation (LUC), having acquired the assets and operating authority of LUC in May 1999. Southern owns and operates a sewage treatment facility at 120 Cottonwood Drive in Franklin, Williamson County, Tennessee that was originally operated under the name of Lynnwood Utility Company. The registered agent for service of process of defendant Southern is Jeffrey R. King, 424 Church Street, Suite 1800, Nashville, Tennessee 37219.
- Davis Lamb is the president of defendant Southern dba Lynnwood and the operator of Lynnwood's sewage treatment facility at 120 Cottonwood Drive in Franklin,

 Tennessee Upon information and belief, Davis Lamb became the chief executive officer for Lynnwood on or shortly before January 1, 2000 Defendant Lamb can be served at 5214

 Maryland Way, Suite 405, Brentwood, Tennessee 37027
 - 8 Defendants Southern and Lamb are both "person[s]" as defined by Tenn Code

Ann § 69-3-103(20) and "owner[s] or operator[s]" as defined by Tenn Code Ann § 69-3-103(19) for purposes of the WQCA

III. WATER QUALITY CONTROL ACT

- The Federal Water Pollution Control Act, as amended, 33 U S C §§ 1251, et seq (Hereinafter "CWA") requires all entities who discharge into the navigable waters of the United States to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Environmental Protection Agency (EPA) in accordance with standards set by the Administrator of that agency 33 U S C § 1342(a) The Administrator can, however, authorize a state to issue NPDES permits in her stead if the state permitting program is at least equal to that under the CWA 33 U.S C § 1342(b) TDEC has been authorized by the U.S. EPA to issue NPDES permits in the State of Tennessee. Tennessee does so under the Water Quality Control Act of 1977, Tenn Code Ann §§ 69-3-101 to 69-3-137 (WQCA)
- The WQCA represents a comprehensive program for the protection and preservation of the waters of the State and for the regulation of activities affecting discharges into, and/or alterations of, the waters of the State. The General Assembly has declared that the "waters of Tennessee are the property of the state and are held in public trust for the use of the people." Tenn. Code Ann. § 69-3-102(a). The WQCA further provides that the State, in its exercise of the public trust, has a duty to take necessary steps to preserve and protect the public's right of enjoyment to unpolluted waters.
- The Commissioner is empowered to issue permits authorizing discharges that contain the most stringent effluent limitations, conditions and water quality standards as necessary to comply with state and federal laws and regulations. Tenn Code Ann § 69-3-108(e) The Commissioner is also empowered to undertake inspections and investigations as necessary to enforce the provisions of the Act. Tenn. Code Ann § 69-3-107(5). Additionally, the Commissioner may administratively assess civil penalties of up to \$10,000 00 per day for each day of the violation against persons violating the Act or regulations thereunder, or he may institute proceedings in court for the assessment of such civil penalties. Tenn. Code Ann. § 69-3-115.
 - 12 It is a violation of the Water Quality Control Act for any person to discharge any

substance into the waters of the State, or to cause a substance to be placed in a location that results in pollution, as defined under the Act Tenn Code Ann § 69-3-114

The Commissioner may seek injunctive relief in the courts through the Office of the Attorney General to enforce compliance with the Act Tenn Code Ann § 69-3-117 And under Tenn Code Ann § 69-3-116, the State is entitled to recover as damages any reasonable expenses incurred in enforcing the provisions of the WQCA

IV. FACTS

- On or about July 30, 1993, TDEC issued NPDES permit No 0029718 to
 Lynwood Utility Company authorizing it to discharge effluent, under prescribed limitations, from
 its sewage treatment facility in Franklin, Tennessee into the Harpeth River at mile 77 9 This
 permit expired on July 29, 1998.
- 15. At mile 77.9, downstream from Lynnwood's sewage treatment plant outfall, the Harpeth River is classified by Tenn Comp. R. & Reg., ch. 1200-4-4-.12 for the following uses by the Tennessee Water Quality Control Board domestic water supply, industrial water supply, fish and aquatic life; recreation, irrigation, and livestock watering and wildlife. Tenn Comp. R. & Reg., ch. 1200-4-3-.02(6) provides that since all waters of the state are classified for more than one use, "the most stringent criteria [for the respective classified use] will be applicable."
- Lynnwood's 1993 NPDES permit contained specific effluent limitations for the following characteristics CBOD5 (carbonaceous biochemical oxygen demand), ammonia, suspended solids; fecal coliform, chlorine residual, settleable solids, dissolved oxygen, and pH
- In the spring of 1998, TDEC accepted Lynnwood's plans for a proposed expansion of its sewage treatment facility, which included adding a new clarifier, retrofitting an existing basin to be used as an aeration basin, replacing the influent pump station and replacing the eight inch effluent line to the Harpeth River with a twelve inch gravity line. The first phase of the upgrade to Lynnwood's facility was complete by the fall of 1998.
- On or about July 31, 1998, TDEC reissued NPDES permit No 0029718 to
 Lynwood Utility Corporation (formerly Lynnwood Utility Company) authorizing it to discharge
 effluent, under prescribed limitations, from its sewage treatment facility in Franklin, Tennessee
 into the Harpeth River at mile 77 9 This permit was set to expire on July 31, 2001

- On September 18, 1998, TDEC issued a Director's Order to Lynnwood citing it for 96 permit parameter violations and 13 incidents of bypassing for the period of July 1995 through June of 1998. Most of these parameter violations consisted of exceeding the limitations for chlorine residual, the monthly average and daily maximum limits for ammonia, and the daily maximum limits for fecal coliform.
- In accordance with Lynnwood's 1998 NPDES permit, the plant's design capacity was reduced from 250,000 to 200,000 gallons per day and the following effluent modifications were placed upon the discharge from Lynnwood's sewage treatment plant
 - a CBOD5 the monthly and weekly average amount limits were decreased from 21 and 31 (lbs per day) to 17 and 25 respectively,
 - b Ammonia the monthly and weekly average amount limits for May-Oct and Nov -April were decreased from 4 and 6 and 10 and 16 (lbs. per day) to 3 and 5 and 8 and 13 respectively,
 - c. Suspended Solids the monthly and weekly average amount limits were decreased from 63 and 83 (lbs per day) to 50 and 67 respectively;
 - d Settleable Solids the sampling rate was decreased from five times a week to three times a week and the sampling method was changed from a grab to composite sample

Lynnwood's 1998 NPDES permit also contained effluent limitations for fecal coliform; chlorine residual, dissolved oxygen, and pH

- In September 1998, Lynnwood applied to TDEC to increase the design flow capacity for its sewage treatment plant from 200,000 to 400,000 gallons per day, based on the continued expansion and upgrading of its facility. This second phase of the expansion and upgrade was intended to enable Lynnwood to provide sewer service for new construction, as well as existing homes with septic tanks in the area.
- 22. In May 1999, after holding a public hearing on the permit expansion, TDEC issued a modified permit to Lynnwood for the period May 14, 1999 through July 31, 2001. This permit included maintenance of most of the existing concentration and loading limits with flow capacity of 200,000 gallons per day until such time as the plant's expansion was complete, or for the period of May 14, 1999 to May 31, 2000. The same permit provided for the expansion to

400,000 gallons per day to begin June 1, 2000, after which the permit contained modifications to the concentration and loading limits up through July 31, 2001

- The modified permit issued to Lynnwood in May 1999 included the institution of effluent limits on total nitrogen (N) beginning June 1, 2000 with the plant's anticipated expansion. In June 1999, Lynnwood initiated discussions with TDEC's Division of Water Pollution Control to modify the permit's nitrogen limits. Defendant Lamb participated in discussions and meetings with TDEC on the necessity of nitrogen limits. This issue was resolved in the fall of 2000, when TDEC issued Lynnwood a modified permit with total nitrogen limits of 3 mg/l as a monthly average, 4 5 mg/l as a weekly average and 6 mg/l as a daily maximum in effect only for the summer season (May 1 October 31). As a result, Lynnwood was not required to begin reporting total nitrogen results until May 1, 2001.
- 24. Between July 1, 1998 and December 31, 1998, Lynnwood had 60 permit parameter violations (in the NPDES permit expiring on July 31, 1998 and the permit resissued on August 1, 1998) and one bypass event. In July 1998, alone, Lynnwood had 50 violations of its permit, including 14 for total suspended solids, 14 for ammonia, 10 for fecal coliform, eight for CBOD, three for chlorine residual and one for settleable solids. *See* Affidavit of Michael R. Thornton and summaries attached hereto as Exhibit 2
- On October 30, 1998, TDEC issued Lynnwood a Notice of Violation for parameter violations of its permit limits in July, August, and September, 1998, and a bypass of its treatment in September
- In 1999, Lynnwood had 31 permit parameter violations (in the NPDES permit issued on August 1, 1998, and the permit reissued on May 14, 1999). These violations occurred primarily between May 1, 1999 and July 31, 1999, and consisted mostly of ammonia parameter violations. See Affidavit of Michael R. Thornton and summaries attached hereto as Exhibit 2
- On January 11, 2000, TDEC issued Lynnwood a Notice of Violation for parameter violations of its permit limits in February, June, July and November, 1999 This notice was sent to Davis Lamb as president of LUC
- In 2000, Lynnwood had 40 permit parameter violations (in the NPDES permit reissued on May 14, 1999) These violations occurred primarily in April, May, November and December, and consisted mostly of total suspended solids and ammonia parameter violations

See Affidavit of Michael R Thornton and summaries attached hereto as Exhibit 2

- On May 9, 2001, TDEC issued Lynnwood a Notice of Violation for parameter violations of its permit limits in 2000 This notice was sent to Davis Lamb as president of LUC
- In 2001, Lynnwood had 92 permit parameter violations (in the NPDES permit reissued on May 14, 1999) and three bypass events. In January, 2001, alone, Lynnwood violated its monthly and weekly average concentration and loading limits, as well as its daily maximum limit for ammonia on at least 24 days and it had two bypass events that month. Multiple violations of the ammonia and total nitrogen limits also occurred in the months of August, September and October, 2001. See Affidavit of Michael R. Thornton and summaries attached hereto as Exhibit 2.
- 31. On August 8, 2001, TDEC issued Lynnwood a Notice of Violation for permit parameter violations and one bypass occurring between January and April, 2001 On March 15, 2002, TDEC issued Lynnwood a Notice of Violation for permit parameter violations for the period of August, 2001 through February 2002 Both of these notices were sent to Davis Lamb as president of LUC
- Between January 1, 2002 and April 30, 2002, Lynnwood had at least seven permit parameter violations (in the NPDES permit reissued May 14, 1999) and two bypass events. In January 2002, Lynnwood had one violation of its daily maximum for fecal coliform and in March 2002, Lynnwood violated the 1.0 ml/L maximum daily limit for settleable solids on at least five days, and violated the 20 mg/l maximum daily limit for CBOD on at least one day. See Affidavit of Michael R. Thornton and summaries attached hereto as Exhibit 2.
- 33. Despite upgrading and expanding the Lynnwood sewage treatment facility, defendants have consistently exceeded the maximum monthly and weekly average and maximum daily ammonia limits imposed upon it in its NPDES permits. Examination of the discharge monitoring reports and the monthly operation reports indicates that the ammonia parameters were exceeded for the following months.

July 1998 14 violations
June 1999 8 violations
July 1999 17 violations
December 2000 21 violations
January 2001 24 violation
February 2001 1 violation
August 2001 6 violations

September 2001

10 violations 2 violations

October 2001

Despite upgrading and expanding Lynnwood's sewage treatment facility and prevailing with TDEC in 2000 to apply the total nitrogen limits in its permit only to the summer period of May through October, defendants have consistently exceeded the maximum monthly and weekly average and maximum daily total nitrogen limits imposed upon it in its NPDES permit beginning May 1, 2001 Examination of the discharge monitoring reports and the monthly operation reports indicates that the total nitrogen parameters were exceeded for the following months

May 2001 3 violations
June 2001 1 violation
August 2001 6 violations
September 2001 13 violations
October 2001 10 violations

Lynnwood timely submitted an application to renew its NPDES permit, which expired on July 31, 2001 TDEC is in the process of reviewing that application

V. FIRST CAUSE OF ACTION

Lynnwood has failed to meet the effluent parameters and conditions contained in its consecutive NPDES permits, since the Department issued Lynnwood a Director's Order in 1998 for violations of its 1993 NPDES permit, as detailed in ¶¶ 24-34 above. Defendants have continually failed to discharge in accordance with these parameters, despite repeated notices of violation from the State and they are therefore in violation of the NPDES permits issued pursuant to Tenn. Code Ann. § 69-3-108. In accordance with Tenn. Code Ann. § 69-3-117, this Court is authorized to issue a permanent injunction against defendants requiring them to comply with the provisions of the WQCA, the regulations thereunder, and the conditions of the NPDES permits issued to Lynnwood pursuant to Tenn. Code Ann. § 69-3-108.

VI. SECOND CAUSE OF ACTION

Defendants' effluent discharge from their sewage treatment plant into the Harpeth River exceeded limits contained in their NPDES permits for such discharges on numerous

occasions, as detailed in ¶¶ 24-34 above, and has resulted in multiple violations of the conditions of their permits issued under Tenn Code Ann § 69-3-108 In accordance with Tenn Code Ann §§ 69-3-115(a)(1) (A) and (B) and 69-3-115(a)(2)(D), this Court may impose a civil penalty of up to \$10,000.00 per day for each day any person violates an effluent or water quality standard promulgated under the WQCA, or a permit condition Defendants are therefore subject to a civil penalty assessment of up to \$10,000 00 per day for each day of such violation

VII. THIRD CAUSE OF ACTION

- In accordance with the provisions of Tenn Code Ann § 69-3-114(a), it is unlawful to discharge any substance into the waters of the State of Tennessee so as to cause a condition of pollution, as defined in Tenn Code Ann § 69-3-103(22) Any such action is declared a public nuisance
- Defendants' actions in repeatedly discharging effluent from their sewage treatment plant into the Harpeth River in excess of the limits contained in their NPDES permits so as to result, or be likely to result, in potential harm to the public health or the health of aquatic life, to render the Harpeth River substantially less useful for its reasonable classified uses, or to leave the Harpeth River in a condition that violates the water quality standards established for the river constitute, therefore, a public nuisance that may be abated by the action of this Court

VIII. FOURTH CAUSE OF ACTION

- In accordance with the provisions of Tenn Code Ann § 69-3-114(a), it is unlawful for any person to discharge any substance into the waters of the State of Tennessee so as to cause a condition of pollution, as defined in Tenn Code Ann § 69-3-103(22), unless such discharge is due to unavoidable accident or unless the discharge has been properly authorized
- Defendants' actions in repeatedly discharging effluent from their sewage treatment plant into the Harpeth River with concentrations of pollutants in amounts exceeding the limits contained in their NPDES permits, as detailed in ¶¶ 24-34 above, has contributed to the pollution of the waters of the state and is neither due to unavoidable accident nor has it been

properly authorized These unpermitted discharges constitute unauthorized alterations of the waters of the state in violation of Tenn Code Ann § 69-3-108(b) Defendants' unauthorized excessive discharges have impacted and continue to impact waters of the state, which are held in trust for the public

In accordance with Tenn Code Ann §§ 69-3-115(a)(1) (H) and 69-3-115(a)(2)(D), this Court may impose a civil penalty of up to \$10,000 00 per day for each day any person violates the WQCA by causing or contributing to the pollution of the waters of the state Defendants are therefore subject to a civil penalty assessment of up to \$10,000 00 per day for each day of such violation

IX. FIFTH CAUSE OF ACTION

- 42. The State of Tennessee has incurred damages, investigatory expenses and enforcement expenses, including attorney's fees, in responding to the violations of the WQCA committed by defendants
- In accordance with Tenn Code Ann § 69-3-116(c), damages may be assessed by this Court against any polluter or violator for "any expenses incurred in investigating and enforcing this part."

XI. PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully request the following relief

- That this complaint be filed without cost bond, as provided by Tenn Code Ann § 20-13-101, and that process issue and be served upon defendants requiring them to appear and answer this complaint
- 2. That upon a trial or final hearing in this matter, the Court enter judgment for the plaintiffs against defendants jointly and severally and assess civil penalties in an amount not to exceed $10,000\ 00$ per day for each violation, in accordance with Tenn Code Ann § 69-3-115, against defendants jointly and severally for violations of the Water Quality Control Act and the regulations promulgated pursuant to the WOCA

- That upon a trial or final hearing in this matter, the Court issue a permanent injunction against all defendants, in accordance with Tenn. Code Ann. § 69-3-117, requiring each of them to comply with, and enjoining them from further violations of, the provisions of the WQCA and the rules promulgated thereunder, as well as their current and any future NPDES permits issued to them in the State of Tennessee.
- That this Court assess post-judgment interest against defendants in accordance with Tenn Code Ann §§ 47-14-121 and 47-14-122 until the judgment against defendants is paid in full, for which execution may issue if necessary
- That this Court award plaintiffs such costs, including, but not limited to, reasonable expenses incurred in investigation, compliance examination, enforcement, as well as attorneys' fees, that may be taxable by law for defendants' water quality violations, as provided by Tenn Code Ann § 69-3-116(c)
- 7. That this Court award plaintiffs such other general and equitable relief to which they may be entitled

Respectfully submitted,

PAUL G SUMMERS (# 6285) Attorney General and Reporter

ELIZABETH P McCARTER (#10531)

Semor Counsel

Office of the Attorney General and Reporter

Environmental Division

P O Box 20207

Nashville, Tennessee 37202

(615) 532-2582

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

,,,

STATE OF TENNESSEE, ex rel. PAUL G. SUMMERS, in his official capacity as the Attorney General And Reporter of Tennessee and MILTON H. HAMILTON, JR. Commissioner of the Tennessee Department of Environment and Conservation, Plaintiffs,)))))	1052 MIN 23 PH 3:
v. SOUTHERN UTILITY CORPORATION, dba LYNNWOOD UTILITY CORPORATION, and DAVIS LAMB, Defendants.)) No.))))	7,084

VERIFICATION OF COMPLAINT

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

- I, Christopher S Moran, after being duly sworn, do hereby depose and, upon personal knowledge, state as follows.
- I am the manager of the enforcement and compliance section in the Division of Water Pollution Control (Division) in the Tennessee Department of Environment and Conservation (TDEC) I have been employed with TDEC for over eight years in the Water Pollution Control Division
- I am familiar with the facts giving rise to this lawsuit insofar as they concern water quality issues. I have reviewed (and signed some) of the notices of violation that were issued to defendants concerning violations of the effluent parameters contained in their NPDES permits and their plant's bypassing of treatment. I have read the allegations contained in the foregoing complaint and believe the allegations concerning water quality issues and violations of the Water Quality Control Act to be true to the best of my knowledge, information and belief
- Based on my education and experience and the information obtained by the Department in the course of its investigation and inspections of defendants' services.

requires that this action be commenced, therefore, I have requested the Attorney General to bring this amended action

FURTHER THE AFFIANT SAITH NOT

CHRISTOPHER S MORAN

Sworn to and subscribed before me

this $\underline{23}$ day of $\underline{\mathcal{M}}_{\underline{0}}$, 2002

NOTARY PUBLIC

My Commission Expires 2-20-206

EXHIBIT

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

STATE OF TENNESSEE, ex rel.

PAUL G. SUMMERS, in his official capacity
as the Attorney General And Reporter of
Tennessee and MILTON H. HAMILTON, JR.
Commissioner of the Tennessee Department of
Environment and Conservation,

Plaintiffs,

V.

No.

SOUTHERN UTILITY CORPORATION,
dba LYNNWOOD UTILITY CORPORATION,
and DAVIS LAMB,

Defendants.

AFFIDAVIT OF MICHAEL R. THORNTON

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

- I, Michael R. Thornton, after being duly sworn, do hereby depose and, upon personal knowledge, state as follows
- I am employed as an Environmental Protection Specialist in the Division of Water Pollution Control in the Tennessee Department of Environment and Conservation (TDEC) I have been employed with TDEC for over twenty-two years in the Water Pollution Control Division
- In my present position I am responsible for checking and enforcing compliance with standards and requirements of the Water Quality Control Act, set forth in Tenn. Code Ann § 69-3-101, et seq. This includes conducting inspections and reviewing monitoring reports to confirm compliance with limits set out in National Pollution Discharge Elimination System (NPDES) permits.
- I have reviewed the discharge monitoring reports and monthly operational reports submitted by Lynnwood Utility Corporation, as required under its NPDES permits, for the period

July 1, 1998 through April 30, 2002 Attached hereto are my summaries of what those reports reflect, including permit parameter violations for the same time period

FURTHER THE AFFIANT SAITH NOT

MICHAEL R THORNTON

Sworn to and subscribed before me

this 23 day of _

My Commission Expires:

LISA McCREARY
Notary Public, Sumner Co, TN
My Comm Expires Oct 2, 2005

Facility	Lynnwood Utility Corp	ıty Corp			Permit	TN0029718		، س	Expiration Date	07/29/98	07/31/01
Amnoo	A IIII A				Capacity	0 23/0 20 14/0			Enective Date	000000	
Month	Flow	Flow	Flow	ворсвор	ворусвор	вор/свор	ворисвор	ворисвор	ворсвор	ворисвор	ворисвор
	OSW	-WGD	MGD	mg/L	mg/L no Vio	mg/L no Vio	mg/L no Vio	olV on sbrung	pounds no Vio	*	*
Jan	0 152	0 339	0 120	198	17.5 1	38.3 1	1	1		508	911
Feb	表 20132 经工	0.281	5-50:117 - 至五七	是位于17年次	27 5 icr's	操作题 011 0	17.74 mm. 140. 1		14.2	., 0 68 5	956
Mar	0 129	0 231	0 110	180	8.2	8.7	150		66	914	95.4
Apr	(1) 2597,0.5块	(美)0.24(区)	表 129 到于	是新2016年	到02点小1	27. 解集 016	170 St. 25 17 10 71	-11,6	13.4 - *	≥83.5 €	**************************************
May	0 133	0.217	0 105	199	19.5	230 3	260 6		26 6	846	90.2
Jun	35 TO 159 157 TO	(30) 244 (1)	元至二十五五年28	·亚178 在亚东	第00章	29 3 35-13	310 JHS	25 2 1 .	495 1	1. de 55 7, T. of.)	1.2 788 B F. L.
Jul.	0 125	0 178	F31		12.9 1	2	500 5		26.7	- !	92.3
Aug	원하:0435 원(교육	1.元.0.461新	· 安全等 4 金子	1948 路部日	単2/30分に、中	260、海豚。	47.0 34 1437 EF1	-248-10	64-55	17.	(1. 1°, '98 9€". ⊆.,
Sep	0 127	0 161	F30	246				-1	1.2	99.4	9 66
Oct	元 0 125元	7 7 0 158 7 7	1857 VIDE F31	1887年	7.15	なない	330E	₹35,2°	35	71, 98 2 7 5 法	066
Nov	- 1		0 138	308	30	30		- 1	38	2 86	0.66
Dec	# 3,0.265 } :=:		30.177 法部	194 美洲	型3 25 配し、達	4334組織性	405-146	234.64.7 3.647.	59	1. 4 ZB Z	157.89.25 L
Average	0 158	0 461	0 127	226	_	38 3	0 08	10.4	495	508	95.3
Summer Limits	Report (7/wk) c	Report	Report (7/wk) c	Report (3/wk) C	10	15	20 (3/wk) C	• 21/17	. 31/25	40	85
Winter Limits	Report (7/wk) c		Report (7/wk) c		<u> </u>	15	1	. 21/17	. 31/25	40	85
Limit Violations					5	6	17		2		
Freq Violations			151	-			-				
	Summer May - October	tober Winter	November - April	Limits - Limit (frequ	Umits - Limit (frequency) sample type	F - Monitoring frequency violation(s)	ency violation(s)	- Permit reissuance 8/1/1998	Ice 8/1/1998		
Month	Ammonia	Ammonla	Ammonda	Ammonla	Ammonta	Ammonla	Sett Solids	Sett. Solids			
1998	inf Mo Avg	Eff Mo Avg	wk avg max сопс	Eff Daily Max	mo avg foading	wk avg max loading	Inf Mo Avg	Eff Dally Max	Sample Type	ype	
	mg/L	mg/L no Vio	mg/L no Vio	mg/L no Vio	lbs no Vio	lbs no Vio	m/J.	mVL no Vio	c - continuous	snon	
Jan		82 1	170 3	20 0 4	86	179 1	115	20	C - composite	osite	
Feb	, i	.430 Jr.	'47 - TA	10 v 1985	×31-	148 B. W.	11 414 SA	80.	G - grab		
Mar		4 1	46	118 1	41	49	115	90			
Apr	1.2	12.2 1.01	195 3, 3,40	23.01. 87.275	1,120, 1	198 : 1421	157				
May		20 6 1			23.1 1	312 5	16.4	03			
Jun	1.7	189 ,1	23.9 4	27.7 13	:194 1 .	319 : 574	190° 20°	710.			
lac.		10 0	26.2 3	269 7	10 3 1		16.5	30 1			
Aug	2.5	. 80%	27.	49°, 1. 'F1	70 Z - 1 mg	.25	704.4	.02			
to C	-		, ,	03 62.1	202	14,7 600	2417	500			
Nov	A.	0.2	90				285 3	001			
Dec	小一、一件商	20.1	, 7° -, 70.	0.3, 5174		103 公别了一	1340 17	.00%			
Average	#DIV/0i	6.5	l	11	6.8	319	89.4	3 00	· change	** change at permit reissuance	92
Summer Limits	ΑN	2.0	3.0	4 0 (3/wk) C	. 4 0/3 0	• 6 0/5 0	NA	10 ()	· monitori	- monitoring frequency from 5/wk to 3/wk	5/wk to 3/wk
Winter Limits	AN	50	7.5	(3/wk) C	, 10 0/8 0	. 16 0/13 0	AN	$\ $	alumes -	established and each established and established established and established e	omoosite
I mit Woderloom			10		,						
Cimil Violations		C	0		4	13					
Freq Violations				-							200
·	Lynnwood Utility Corp	y Corp			·	TN0029718		.a	Expiration Date	07/29/98	0//31/01
County	vvilliamson				Capacity .	- 0 25/0 20 MGD		w	Effective Date	07/30/93	08/01/98

Hoose	168	TSS	TSS	155	155	158	TSS	155	MOR	BYPASS
	200	Eff Mo Ava	wk ave max conc	Eff Daily Max	eff mo avg loading	wk avg max loading	min % removal	ауд % гетоval	LATE	OVERFLOW
	Rac Old III	al on No	ma/L no Vio	mg/L no Vio	lbs no Vio	lbs no Vio	% no Vio	olV on %	V.I.V	hours
T	1 84		553 3	640 8	56 1	70 4	368 1	72.4 1	>	1
T	160	2 112.	3.5 (3.3 24.6	3320五月前6年7日	166 2 235 1	:890 * 2	-8 65 } √2 %	642 -1 1-	X	17.10
Τ	158	5 -		1000	52 0	612	315 3	67.4 1	>	344
T	181 2		图17年17年18日	69 元岁世(44) 100 013 可谓明	.62.1.免损。	175 9 YE 47 17	183≥4 14 15 × 1 15 × 1 15 × 15 × 15 × 15 × 1	701 27175	<u>ئ</u>	137.1 CH
	197	67.5 1	1143 4	1483 10	746 1	1269 1		-	≻ .	7.3
Jun	1. 1. 2. 2. 181 2. 4.	553 1	104.0 3至1.2元下5 345.0 及至6 3元产度	145.0 程序6 註字位	2804 阿阿村	208 8 전기 나라.	5		1 Land	- 1
	187	552 1	843 2	2140 7	57.1	į	-55 1 2	n i e		とおいれている。
Aug	14, 31231 1 La F1	1118 年 127日	100 031-17	笔词。250年张多利国	第118 始新一步	105 4 4-11-1-1	,83 7 (See 185	89.0		47.0
	2498	7.4	150	29 0	7.9	15.3		١,	6	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	. 2967	5 3 x 2- 1 - 1 8 8 - 1	45.0 (July 1 1 1 1 1 1	28 0.一进行。当春	· · · · · · · · · · · · · · · · · · ·			8 68	5	tun de Salelle de
	3595	6.7	9.7	140	7.9	126	940	8 66	- 125	2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Dec	This 3337 at heaven	(112 年)	45.44.44.13	170.包含用的键	於176 國際組入毛	\$24 9 305-405-4 5.	90.4	70 KM 1-71 1 68	4	4.0.0
Average	1238	35.7	1143	2140	417	208 8	0.0	816	9	24.0
almits	Summer Limits Report (3/wk) C	30	40	45 (3/wk) C	• 63/50	* 83/67	40	85	2.5	
Winter Limits	Report (3/wk) C.	30	40	45 (3/wk) C	• 63/50	. 83/67	40	85		
Lmit Violations		7	23	51	3	9	12	7		
tions	-			-						
							(- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	• Dormar rolecusores 8/1/1998	A 8/1/1998	

Limits - Linti (frequency) sample type F - Monitoring frequency violation(s) *- Permit reissuance 6/1/1998

Fecal Fecal Chiorine Winter November - April Summer May - October

Sample Type c - continuous C - composite G - grab 0 20 2 0 03 ... 0 03 1 0 65 1 1 2 00 2 00 5 0 03 (5/wk) G Eff Daily Max mg/L no Vio 155 6 150 18 10 140 6 140 6 6000 4 140 6 21000 £ 12 490 ···7 49000 6 135 3 49000 6 135 3 × 350000 - 11 · 0 15 · 3 · 102000 9 2 00 3 122000 9 2 00 3 24 0 20 2 1000 (3/wk) G otroom no Vio Eff Dally Max 4700 2 《425·夕元》 1.372 -47 V 4.12 七年 350000 1000 36 28 274 1 20598 - 3244,53% F1 1907 1 143 モルギュー・ 8 - 74 (AS) SERVE 67 4 12 年年, Eff Geo Mean col / 100 mL 90 (5/wk) G 200 90 (5/wk) G 200 1920 70 70 70 70 89 P. S. 185 Z Eff Dally Max .. ∀. 0,6. 0.6 472' Ent. 돐 70 82 85 86 86 Eff Daily Min standard units 99 63 67 69 99 83 9 69 63 (5/wk) G (5/wk) G 35: 7:1-60 Ft Eff Dally Min mg/L no Via 2 99 9 7 8 Summer Limits Winter Limits Umit Violations Feb Mar Mar Apr May Jun Jul Aug Sep Oct Nov Nov Aorage Month 1998

Freq Violations

1998

- H	1 vnnwood Utility Gorb	lity Corto			Permit	TN0029718			Expiration Date	07/31/01	07/31/01
County	Williamson	J.22 (v.				0 20 MGD			Effective Date	08/01/98	05/14/99
		i	<u>_</u>								1000
Month	Flow	Flow	Flow	вор/свор	ворисвор	ворисвор	вор/свор	BOD/CBOD	ворисвор	80D/C80D	BODYCBOD
1899	Inf Mo Avg	Inf Bally Max	Eff Mo Avg	Inf Mo Avg	Eff Mo Avg	wk avg max conc	Eff Dally Max	gribsol gvs om He	wk avg max loading	min % removal	avg % removal
	MGD	MGD	MGD	mg/L	mg/L	mg/L	اہ	sounod	bounds		
Jan	0 223	0 631	0.216	192 F1		30	30 F1		6.2		- 100 · 1
Feb	0 325 =	C0 438 T 12	-3.5. 271 p. 7. c.	· 184-1-4	3.0 E	,可等有30%	30 - 10 - 10	√5,44 √	年 0 0 9 5		1 4 99 9 4 7
Mar	0 279	0 447	0 176	424	30	30	30	46	- 1	98.5	98.3
Apr	. 0 402	1.10.525 Per	一, 30 146 北部	135 448 上海	中公本 14年 ·	2000年33年	40%	1,5°39 (2), 4,	15 12 44 B. F.		1.1 : 99 3 ==
Max	0.270	0 395	0 152	371	38	67	140	5.4	94	95.8	98.9
Jun	0 290	10.526 West	禁	Sep. 218	1. (25四次	50 '	1.3, 37(,=1.	S - 9 1/2 2	(4:1-98 1-1-1)	7 : 066 > ∵
1	0.333	0.517	1_	305		33	40	35	4.0	97 1	066
Atio	0 127		過水0 138 上端	是是一个10時間	子原的08年3	45000000000000000000000000000000000000	30-14-64	- 3.5 pt	3e	gr n) F985 -
Ces		0 154	0 130	234		30	3.0	3.4	36	98 0	98.7
2	0.121	1. 1. 0.128 J. J.	0	1.3	A. 2. 18. 2. 2.	十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二十二	40, 2, 5-7	. 4.30 .	Sec. 345, 7	12 1 - 18 18 1 - E.	. 5 2 88 4 2 2
i de	0 121	0.151		219	3.0	30	30	3.4	36	98.5	986
200	15.5	10 10 10 10 10 10 10 10 10 10 10 10 10 1	Out of Service	ŷ,	1.5	30.47	3.0 .24.5	ST 53.45 W.	JE 1 - 1 BIE 1-14"	A 187.7-3.34	14-3-88 6×5×5
	1	0.004	0.454	doc	3.4	8.7	14.0	39	9.4	95.8	988
Average	0.220			0 17 107		***	20 /3huk) C	17	25	40	85
Summer Umits	Report (7/wk) c	Report	Kepon (//wk) c	Report (JWK)	01	2	H				96
Winter Limits	Report (7/wk) c		Report (7/wk) c	Repart (3/wk) C	10	15	20 (3/wk) C	17	52	04	3
Limit Violations										·	
Freq Violations			73	1			1				
	Summer May - October	Winter	November - April	Limits - Limit (frequency) sample type	ency) sample type	F - Monitoring frequency violation(s)	ency violation(s)				
Month	Ammonia	١Ę	Ammonta	Ammonla	Ammonta	Ammonia	Sett. Solids	Sett. Solids			
1999	Inf Mo Avg	Eff Mo Avg	wk avg max conc	Eff Dally Max	mo avg foading	wk avg max loading	Inf Mo Avg	Eff Dally Max		Sample Type	
	mg/L	mg/L no Vlo	mg/L no Vio	mg/L no Vio	lbs no Vio	lbs no Vio	ml/L	ml/L		c - confinuous	
Jan		1	Ļ.,	0 50 F1	0 30	0 57	15.2	0.01		C - composite	
Feb	-	0 10	.011	137. 128.	0.15	0.22	3336	. 001 -		G - grab	
Mar		0 12	0 11	0.26	0 17	0 23	355 4	0.01			
Apr	,	0.13 (-) (-)	0.211-3	. 11/	0 17 - 71 0	10 28	662 7	- 001 -			
May		0.42	0.85	1 90	0 53	1 08	5012	0.01			
Jun		29734	9 03 1	15 90 3 7,1	3 491	11'09 ''1	436 7	. ~ 1001 ~ .			
JuC		891 1	14 33 3	50 00 , 8	9 80	15 38 3	482 9	, 001			
Aug	-	0.12 . 1	0.18	0.34	0.14	-0.22-y-:-	157	0.10 '8'			
Sep		0 11	0 14	0 22	0 12	0 15	17.0	001			
Oct	-	0.51	152	4 30 '6- 1 1	0.58	184	15.5	. 001			
Nov		0 10	0 11	0 13	0 12	0 13	16.9	0 05			
Dec		0.30 12. 17. 15.	~美990年	(160) (1) 二烷	0.35	0.855	17.3	1 001:21			
Average	#DIV/01	1	143	20 0	13	15.4	239 2	0 10			
Summer Limits		2.0	3.0	1 1		50	NA	10 (3/wk) C			
Winter Limits	NA	5.0	7.5	100 (3/wk) C	8.0	130	NA	10 (3/wk) C			

07/31/01																					_													•									
07/31/01 08/01/98	BYPASS	OVERFLOW	AL YOU	, , , , , , , , , , , , , , , , , , ,	477	7 1 1 1 2 2	والمتراجعة	,	には調ぎ		大大変		1,42,4	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	中國時間	0																٠											
Expiration Date Effective Date	MOR	LATE	N/A	_	かりまたった				The Targett of		歌で として 事		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		部となるにはる	0						· Permit reissuance 5/14/2001																					
	TSS	avg % removal	*	95.1	55.25		6,66%		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		學學98 2-854	98 4	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	97.4) 計画性97 05% IE	98 5	85	30	CO			1		Sample Tyne	Significant of	C - composite	G - arab																
	851	min % removal	*	ı	4 78 B			7 68	JE 20 10 12	97.5	平学 78 74	97.1	92.3	94.9	43, 920 一下	78.8	Ç	2	40		L.	Monttone free length violation(s)						т <u>.</u>	-		ī				1		1		Ø	O	H	Τ-	1
TN0029718 0 20 MGD	302	Echanism we was loading	spunod	203	37,3	215	18.4	15.4	. 58.5	1	2.48人	9.8	15 18 5 W	93	458 7/3/1	27.3	35.5	0/	67			nondianit a	Supplied C	Cilicinia		mg/L no vio	200	200	- 100	0 03	0.55 1 1	0 02	0 02	0 03	0 03	0 02	0.03	0.55	G 0 03 (5/wk)	G 0 03 (5/wk)	-		
Permit # T		TSS Teacher		14.9	St. 25 18 25 35	119	, 3,512.43.55 c	10.3	To the Parties of	Catalon Catalon		800	现场上D. B. 高级	8.8	一次的質 下は記載する	The state of the s	S S	50	. 50			_	- 1	Fecal	Eff Dally Max	courtoomL no Vio	-	19. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.		200	1. C 06.	118	25	2	一人一般教育	14500 2		14500	1000 (3/wk) ((3/wk)		,	
			ma/L no Vio		1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1		O OI	-	_	V 10 10 10 10 10 10 10 10 10 10 10 10 10		1. 4. dimension	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0	Company of	C. The Case		640	45 (3/wk) C	45 (3/wk) C	Ħ	,		Limits - Limit (frequency) sample type	Fecal	_	ᇤ	2	'		3 6	8 -	3 6	7, 11 Jac		1,50	14	A - 6-345125	5	200	006	207		
			COUC	44.7	15		7	e?	1	御いり	1	2	7	4	80	1	32.0 6		40			_1	Winter November - April Li	E.	Eff Daily Max	standard units	8.6	190 44 14	7.9	12. 11.	1	1 0 1	1	-	7.8	7.7	- 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	0.6	19 0/8 5 (5/wk) G		.9 0/8 5 (5/wk)		
Corp		+ TSS	<u>.</u>	mg/L	1	12		YZ.		二端,42点据,百	30	が 一般 は 一般		ý.	5.8	1 6.6 T	69		30	3				H	Eff Daily Min	standard units	8.6	€ 8 = 151. 13	6.9	B.1" " " " " "		. 01-	-1	100	9.0 1	6.9	6.9	-	900 00	C D/D O	.6 0/6 5	2	
Lynnwood Utility Corp		TSS	Inf Mo Avg	ار		建377 年代記 4	4701	147421 14 14 15 15 18 18 18 18 18 18 18 18 18 18 18 18 18	5485	一些。1898年至	4357	37.24 安元 三	336	春。2201年到一 <u>新</u> 時72年	219	题:22 kg 程 : 3	2728	Renort (3/wk) C	C (Price)	Kepon (3/wk) C		-	Summer May - October	8	Eff Dally Min	mg/L	93	. 88	93	12.28	7.8	3 187 1735	88	. 69	7.4	97	124 87 87	98		60 (5/WK)	60 (5/wk) G	-	
Facility Ly	-	Month	1999		Jan	Feb	Mar	Apr			Γ	Aug		Ö		Dec		of mile		Winter Limits	Limit Violations	Freq Violations	1	Houth	000+		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	001	200	200	Average	Summer Limits	Winter Limits	Limit Violations	Freq Violations

Virgininson		1	14.1			-	TNIOO29718			Expiration Date	07/31/01	
Figure	Facility	Lynnwood Uti	Ity Corp			-	• 0 20 MGD / 0	O WOV		Effective Date	05/14/99	
Flow Flow Flow Entitle Areq Entitle Area Entitle Areq Entitle Areq Entitle Areq Entitle Area	County	Williamson				- -	0 70 10000	00M 04				
Figure							10000	Cognico	BOD/CBOD	BOD/CBOD	BODICBOD	BOD/CBOD
High May High May Efficiency High Ang High A	Month	Flow	Flow	Flow	ворусвор	BOD/CBOD	BODICBOD	BOUNCEOU	Carlo Arm	Wk Ave Max	min % removal	avg % removal
No.	2000	Inf Mo Avg	Inf Dally Max	Eff Mo Avg	Inf Mo Avg .	Eff Mo Avg	Wk Avg Max	Ett Dally Max	Ent and Avg	BAC VIII	74	
183 183		MGD	MGD	MGD	mg/L	mg/L	mg/L	mg/L	spunod	pomuas		: 2
1998 1998 1998 1998 1998 1999	Jan	0 153	0 255	Out of Service F31	_	3.0	30	30	4.2		C /A	1 00
18 18 18 18 18 18 18 18	de de	4 * O 160 California	_	Out of Service F29	**: F1203 -**	· · ·	- 30%	· - 0€√64	14 7546 A 15	1899年	- 1 BB-2-1	2 SH ,
0 177 F3 0 0 19		5 69 6		0.177 F4	199		33	50	9	53		98 4
19 19 19 19 19 19 19 19	Mar	0.102	0.290	2 22.000	-1 + Jrg07 & 15.	个语言:	18 7 E.	15 10 0 E	1.744 P.	Sept. 15. 35. 35. 35. 35. 35. 35. 35. 35. 35. 3	. 2 982 €	1982
1990 1900 1900		Out of Service F30	# C20,424	14 0 ZJA 15 15 15 15 15 15 15 15 15 15 15 15 15		13.00	1 Carrier 10	1	7.3	17.4	93.3	98 1
Control Service Fig. 19:10 Control Serv	į	0 177 F3	0 383	0 189	į	ļ	6 3	- 11	150 150 150 160 160 160 160 160 160 160 160 160 16	のなからはなってい	1010円間の	7 88
Court O Service F3 Court		Out of Service F30	1.0 205	, 라트, 0 169 원, 5· 영호			30年5年		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	147 197 4 9 geograph	0 00	0 80
Continue	ļ	Out of Service F3		0 175	267	30	30	30	43	45	200	n 100 100 100 100 100 100 100 100 100 10
190 103 10 10 10 10 10 10	Airo	0 117 at 34 F 2	1 1/2 1/2 D - 133 5 1/4 7	╀	9	L.,	1300年至1		から、日本の日本のです。	1、1946年	5 A 85 1 5	C PA
Page 10 Page	30	20,00	0,00	+			43	30	44	6.2	97.9	98 5
Page	dac	201.0		2 4	204	1.5	A 0.7.05	-	╙		3.8.979.	985
Report (TAMK) C Report Report (TAMK) C Report (TAMK)	Ö	0.098		A PART OF ST	200	4	2000		`	10.8		978
Report (TMK) C Report (TMK	Nov	0 103	0.108	0 180	(A) 1/2 (A) 1/2 (A)	Selfandino A	. · · · · · · · · · · · · · · · · · · ·	1	-	1	0 98%	6.85 3 · ·
Report Thirds C Thirds Thirds Thirds C	Dec	0.108		8250 ZZB284, 527	JARKE CLASSIC S	学5,47-04	一人では、一人では、一人	Ш		H	0.00	080
Report (TAMK) C Report Report (TAMK) C Report (TAMK)	Avg/Min/Max	660 0	0 424	0 156		3.8	110	16.0	0.9	8.07	0.00	300
Summer May Clocker Winter November April (Invit) C Report (Invit)	ummer I imite	Report (7/wk)	L		-	. 10/5	. 15/75	· 20/10 (3/wk) C		25	40	85
Summer May October Ninter November April Limits - Limit (frequency) sample type F - Montloring frequency violation(s) Summer May					Bonort (3hub)		15	20 (3/wk) C		. 25/50	40	85
Summer May - October Winter November - April Limits - Limit (frequency) sample type F - Monilaring frequency violation(s) South Summoria Ammoria Ammoria Ammoria Sout Solids Sout Solids Sout Solids South Sulfator South Solids South Sulfator South Solids South Solids South Sulfator South Solids South Sulfator South Solids South Sulfator	Vinter Limits	Kepon (//wk)			/www.		-	11				
Summer May - October Winter November - April Limits - Limit (frequency) sample type F - Monitoring frequency violation(s) Sett. Ammonia Ammonia Ammonia Ammonia Ammonia Ammonia Ammonia Ammonia Sett. Sett. Sett. Sett. Monitoring frequency violation(s) Sett. Ammonia Ammonia Ammonia Ammonia Ammonia Sett. Se	Imit Violations					-						
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Animonia Animonia Animonia Animonia Animonia Animonia Animonia Animonia Sett. Soit (\$15 list) Sett. Soit (\$15 list		Summer May - C		November - April	Limits - Limil (frequ		F - Monitoring frequ	uency violation(s)	Design.	Capacity & LIMIS	* Design Capacity & Limits through 3/00 / starting 0/00	oo o di min
Incl. Mo Avg Eff Mo Avg MYR Avg Max Eff Daily Max Eff Mo Avg MYR Avg Max Incl. Mo Avg Eff Daily Max Incl. Mo VIC mg/L no Vio no Vio mg/L no Vio no	Month	Ammonia	Ammonda	Ammonla	Ammonda	Ammonta	Ammonta	Sett. Solids	Sett. Solids			
mg/L mg/L no vio mg/L no vio tips no vio mg/L no vio mg/L no vio tips no vio mu/L mu/L <td>2000</td> <td>Inf Mo Avg</td> <td>Eff Mo Avg</td> <td>Wk Avg Max</td> <td>Eff Dally Max</td> <td>Eff Mo Avg</td> <td>WK Avg Max</td> <td>tnf Mo Avg</td> <td>ᆵ</td> <td></td> <td>Sample Type</td> <td></td>	2000	Inf Mo Avg	Eff Mo Avg	Wk Avg Max	Eff Dally Max	Eff Mo Avg	WK Avg Max	tnf Mo Avg	ᆵ		Sample Type	
011 014 024 025 016 024 167 005 011 005 014 024 025 025 015 017 005 017 018 025 015 015 017 018 025 015 025		Won.	-	Age.	mg/L no Vio	ì		m/L	mt/L no Vio		c - continuous	
1	1		1	0 14		0.16	1	16.0	0 01		C - composite	
0.12 0.15 0.16 0.16 0.18 0.02 1.49 1.15 0.01 0.12 0.14 0.15 0.16 0.19 0.19 0.23 1.13 0.10 0.12 0.14 0.12 0.13 0.10 0.19 0.19 0.23 1.13 0.10 0.11 0.12 0.13 0.10 0.10 0.15 0.15 0.25 0.10 0.11 0.12 0.13 0.10 0.10 0.13 0.15 0.15 0.15 0.15 0.10 0.10 0.10 0.10 0.10 0.13 0.10 0.13 0.14 0.15 0.15 0.15 0.10 0.10 0.10 0.10 0.13 0.10 0.13 0.14 0.15 0.15 0.15 0.15 0.10 0.10 0.10 0.13 0.10 0.13 0.14 0.17 0.10 0.10 0.10 0.10 0.13 0.10 0.13 0.14 0.15 0.15 0.10 0.10 0.10 0.10 0.13 0.10 0.13 0.14 0.15 0.15 0.15 0.10 0.10 0.10 0.13 0.10 0.13 0.14 0.15 0.15 0.15 0.15 0.10 0.10 0.10 0.10 0.13 0.14 0.15 0.15 0.15 0.15 0.15 0.10 0.10 0.10 0.10 0.10 0.11 0.10 0.11 0.10 0.10 0.10 0.10 0.10 0.10 0.11 0.10 0.11 0.10 0.10 0.10 0.10 0.10 0.10 0.11 0.10 0.11 0.10 0.10 0.10 0.10 0.10 0.10 0.11 0.10 0.11 0.10 0.10 0.10 0.10 0.10 0.10 0.11 0.10 0.11 0.10 0.11 0.10 0.10 0.10 0.10 0.10 0.10 0.11 0.11 0.10 0.11 0.10 0.11 0.11 0.10 0.11 0.11 0.10 0.11 0.10 0.11 0	2 2	,		10.00	13	-0.25	ļ	. 171	000		G - grab	
10 12 13 13 13 13 13 13 13	Leo	-	1 5	0.15		810		151	1			
1 1 1 1 1 1 1 1 1 1	Mar		210	1.	12.00	+	ļ	4 - 137	0 30° , "Lackan.			
1 1 1 1 1 1 1 1 1 1	id.		2,000		,	_		18.5	0.50			
10 17 22 10 12 10 12 10 12 10 12 10 10	May		710		1 4		1.	ļ	٠.			
10 10 10 10 10 10 10 10	unc					-	1	21.7				
10 10 10 10 10 10 10 10	inc .		- 0	70 43	2.090	. 620	0.15	E/212	Ĭ,	,		
10	Aug	-		2 0	900	0.21	0.52	20.7				
110 010	dac		* 0	900		1	0 12	210	1,1,2,000			
#DIVIOR 14 227 2700 510 51 51 50 50 51 51 50 50 51 51 50 50 51 51 50 51 51 51 51 51 51 51 51 51 51 51 51 51	5		0.10	OLO C	2 0 12	÷ 0	0 37	2.5				
#DN/0" 14 55 1 22 70 - 5 5 5 7 0 5 7 10 5 7 1 2 3 30 9 5 5 7 7 19 5 140 5 7 10 6 7 1 40 6 7 1 6	Nov		1 10				١	3	1.			
#DN/07 14 227 27 27 23 309 140 NA 20 30 40 (3/MA) C *3/T *5/10 NA 10 NA 50 75 100 (3/MA) C *8/T *13/25 NA 10 1 5 10 10 1	Dec		14 55 🚉 1		₽.		-	961.	1 40			
NA 20 30 40 (3wk) C · 377 · 510 NA 10 NA 50 75 100 (3wk) C · 8/17 · 13/25 NA 10 1 5 10 1 1 3 1 1	Avg/MIn/Max	#DIVIO#	14	22.7	27.0	23	30.9	189	1 40			
NA 50 75 100 (3WK) C .8/17 .13/25 NA 10	Summer Limits		2.0	30	(3/wk)	Щ.	• 5/10	NA A	10 (3/wk) C	0		-
. 1 10 1	Winter Limits		5.0	7.5	 -	8/17	13/25	NA	10 (3/wk) C	Ol		
	in the fatherer	1	-		Ð-	- 1	3		-			
	Tilli violenous			-		-						

County Month 2000	- J		_	_	Permit #	TN0029718			Expiration Date	10/10/10	
Month 2000	Williamson				-	· 0 20 MGD / 0 40 MGD	40 MGD		Effective Date	05/14/99	
Month 2000			-								
2000	188	TSS	TSS	155	155	TSS	155	TSS	MOR	BYPASS	
	Inf Mo Ava	-Eff Mo Avg	Wk Avg Max	Eff Daily Max	Eff Mo Avg	Wk Avg Max	min % removal	avg % removal	LATE	OVERFLOW	
	Ma/L	mg/L	mg/L 'no Vio	mg/L , no Vio	lbs no Vio	fbs no Vio	%	%	Z .	# EVOR HR	
Jan	222	58	88	17.0	89	150	906	97.4	,	ŀ	
Feb	4.518	49		100	- 7.4 1 -	別の一部、海、河上西	939 44 25	45	17 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1	
Mar	1	48	1			120	92 0	976	7		
And	10 P.	22.1	次1 009	1470 - 1171	.586. 1	1965,671年十五六二	新14、30 km	, 2, 589.1・ディア、	54 -102 F1 72,	· 6/4/1/2	
May	1	17.2	-		48 6		19.7	92.1			
(au)	FT. 622	The state of the s	73 4 57	3 17 Car. 0015	÷	2014年20日本	大学(A) 34.5 58.	1.5 7.677.4.1.	1. 流流	調が	
and :		4.6			6.7	0.8	96 4	98 1			
	- 1.	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1	115	+-	いかられる	CO 8 00 8 000	P 0 765 (127)	The Talker	13.5. ·	
Aug	#\$\$\$115 \$23	1 0 0 °	C Br	100	9 0		956	8 76			Sample Type
dex	907	000	000		4,7 CH2	4 1.75	195.8 V. J. V. J.	1.5	148 1	7 774	c - continuons
5 5	NP. 4. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7. 7.	-00-2	1		1						C - composite
No.	2/4	1	ı	- 1	2000	明の 日本の かかい	160 A . 200 . 200	Par 2.94.2%	照 一致地	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	G-grab
Dec	W. 223 A. F. S. F.	12,9,1	7		E 007	X Participation of the Control of th	The state of the s	н			
Avg/Min/Max	-	93	. 009	1710 :	190	187 6	114	A CA	-	,	
ummer Umits	Summer Limits Report (3/wk) C		40	45 · (3/wk) C	50/100	67/133	40	85			
Winter Limits		30	. 40	45 ; (3/wk) C * 50/100		. 67/133	40	85			
I Imit Violations			3	ŧI .	1	2	3			1	
Fron Violations	-			-	_					,	
	Summer May - October	october Winter	November - April	Limits - Limit (freq	Limits - Limit (frequency) sample type	F - Monitoring frequency violation(s)	rency vlotation(s)	. Design	* Design Capacity & Limits through 5/00 / starting 6/00	through 5/00 / sta	arting 6/00
Month	8	H	돕	Fecal	Fecal	Chlorine	Total Nitrogen	Total Nitrogen	Total Nitrogen	Total Nitrogen	Total Nitrogen
2000	Eff Dally Min	Eff Dally Min	Eff Daily Max	Eff Geo Mean	Eff Dally Max	Eff Dally Max	Eff Mo Avg	Wk Avg Max	Eff Dally Max	Eff Mo Avg	Wk Avg Max
	mg/L	standard units	standard units	col / 100 mL	cottoom! no Vio	mg/L no Vio	mg/L	твЛ	mg/L	spunod	bonnas
Jan	9.8	8.8	7.2	4	06	- 1			100].	
Feb	66	. 19	711	- 2',	2	0.03 %			23.	-	
Mar	93	65	69	5	21600 1			ľ	5		,
Apr	* 91	64 - 1	7.1	- 4	. 500	0 03		;	١.		,
May	7.8	6.8	7.1	27	500	i					
Jun	72 FF		. 80	.32	700 F1		Limit appealed	* 4	-		
ID,	80	6.2 2	7.9	38	136			1		,	;1
Aug	, 02 k	. 99	7.4		204	0 03		16.1			
Sep	7.7	68	7.2	6	208						ا ا
Ö	17.5	69	7.5	3	28	,0 03 × × · · · ·	-	. : " .	3,2	-	
Nov	80	7.3	7.8	9	700	0 03			-	و	
Dec	262 1 68 M	75 2.4	. 79,	. 27	28 ٪	of 12 mar and 1 to 01		1 6. 4 Ele 16 21 4 15		Ш	
Average	7.0	6.2	80	13	21600	080		0.0	00		00
Summer Limits	s 60 (5/wk) G	6.5	8 5 (5/wk) G	G 200	(3/wk)	G *0 03/0 04 (5/wk) G		.NA/45	• NA / 6 (3/wk) C		UA I
Winter Limits	80 (5/wk)	6.5	(5/wk)	G 200 '	1000 (3/wk) G	G '0 03/0 04 (5/wk) G	· NA / NA	• NA / NA	• NA / NA	· NA / NA	AN/NA
Limit Violations		II _	-		1	1					
Toolsellon	-	-			-			_			

di se	and Thillity Core	Corp.			Pormit	TN0029718		ā	Expiration Date	07/31/01	
County	Williamson	dion to				0 40 MGD		ᇳ	Effective Date	05/14/99	
			i	doguidos	COBUNCE	RODICROD	BOD/CBOD	BOD/CBOD	BOD/CBOD	ворисвор	BODYC
Month	Flow	WOI .	FIGW	DOBOUGHOUS AND	ER Mo Aun	Wk Avg Max	Eff Dally Max	Eff Mo Avg	Wk Avg Max	mln % removal	avg % re
2001	Inf Mo Avg	ini Daliy max	מביו אום	Pac Ou III	To B	100	mg/L	spunod	spunod	*	
	MGD	Meu	902.0	250		120	18.0	0.6	119	912	97
Jan	0 104	0 234	0 200	159	٩	4 . S. 3. 50 . 5 4 5 . 4	1. 1. 19 0 th 12. 41	× 96 ⊹.	14 SE 16 6 SE 25	₹ 793 1 ⁴);	. 97
Feb	27:20 147, 251-1	14 'U 40 (FE)	0.50	- 1		30	3.0	42	59	97.8	88
Mar		0 133	0.170	LAL	7	3.00	10 - 10 - 10 - 10 - 10 - 10 - 10 - 10 -	. 48 .	. B. B.	948	26
Apr	는 글라 660 0구는	一十十0 424 十十十二	-0 170	- 184 - Warte	*	4	مند مناقد ۱۵۰۰ مناه	2	5.0	980	
May	0 104	0 134	0 181	185		30	30	7 .	ч.	A 07 A	3
Jun	1-3.0 105	20 128 元	ຸ- ໂລີ0 181	183	4	\$ 15530 ·	鰇	4.2	5	23.97.0	3 8
135	0 106	0 121	0 174	230	3.2	40	ľ	4 5	90	010	3 3
Aug	20150名2	S. 47.0 220 20 11 1	121.0121	214 - 34F	是 06美生	1 4 1 30 chart	7-1-1-4 0 PET	1.2.40 €	20 05	0.88	2 8
Sen	0 135	0 310	0 171	197 FZ	30	35	30 F1	4 0	20	0.88	8 2
ě	2 117 min	10 220 13-21	0.178	179 STF2	180 小	学也300°-15°	CAN BOSE SIFE	20	には、09年で ・	1 197 0 . As	2
N V	0 208	0 380	0 227	J	30	60		- 1	10.0	0.98	8 3
Dac	公40.199 理治1.	0310	0.217	公司的公司的	186 0 Berry	是一個多0地區	公司第0起来是F2	1、1909年	0.34.094	250 98 5条	8
Aug (Min (Max	0.191	0.467	Н	193	3.4	12.0	180	5.4	16.6	91.2	8
San Carrie		Ponod	1 2	Reg	5	7.5	10 (3/wk) C	17	25	40	8
Summer Limits		Nodeki -					H	33	50	\$	8
Winter Limits	Report (7/wk) c	Report	Report (7/wk) c	c Report (3/wk) C	10	CI	C (mm) 07	200	-		
Limit Violations											
Freq Violations				10			8				
	Summer May October	ctober Winter	November - April	Limits - Limit (frequency) sample type		F - Monitoring frequency violation(s)	uency violation(s)		_		
Month	Ammonta	Ammonla	Ammonta	Ammonta	Ammonia	Ammonia	Sett Solids	Sett. Solids			
2001	Inf Mo Avg	Eff Mo Avg	Wk Avg Max	Eff Daily Max	Eff Mo Avg	Wk Avg Max	Inf Mo Avg	Eff Dally Max	Sample Type	ype	
	ma/L	mg/L no Vio	mg/L no Vio	mg/L no Vio	lbs no Vlo	lbs no Vio	mßL	mI/L	c - continuous	snon	
Jan		Ι.	Į.	30 00 14	31 02 1	40 70 4	- 1	0 05	C - composite	osite	
Feb	15 . 25	1 66	10 50 1	8 20~7、25年	2.80 - 小学。	14 69	174,	. 001	G-grab		
Mar		0 11	0.31	0.20	0 16	98 0	213	0 01			
Apr		0.62	1 59 ·	3 20 7 5 52	7 68 0	224 🖄	24.5	÷ 0.05			
May		0 23	0.49	080	0.36	0 83	- 1	0 05			
Jun	4.5	0.14	0 25	0.25	0.20		. 25.6	0 05			
Jul		0 18	0.34	89 0	0 27	0.55	22.2	0 05			
Aug	, 510 %	3 43 1 1.	7 30 1	13 50 · 3 F2	4 60	10 08-3 1	*24.4	0 20			
Seo		551 1	18 00 3	20 00 4 F1	9 00	16.87 2	18.2	0 20	- 1		
Ö	1	112.	3 42 1	1100 - 1 5 FZ	2 00 '	4 75 112 2	1	1 00			
Nov		0.56	0 22	4 80 F1		0.36	138	100			
Dec	4, 1, 1, 1, 1,	0 13	1 95	0.29. SAF2	0.22	3 38 A. B. C.		, iş, 0 50 ÷	-11		
Avg/MIn/Max	510	2.7	25 8	30 0	4.1	40.7	19.9	1 80	п		
Summer Limits		2.0	30	(3/wk)		10.0	ΝΑ	10 (3/wk) (<u> </u>		
Winter Limits	NA	5.0	7.5	10 0 (3/wk) C.	17	25 0	ΝΑ	10 (3/wk) C	он		

													Sample Type	c - continuons	C - composite	G - grab								Total Nitrogen	Wk Avg Max	mg/i. no Vio					7.1	5.5	3.5	14.1	34 7 3	9.8	58.0	7 45 3	201	28.0	15.0	NA	3		
07/31/01	SEWER	OVERFLOW	events hours	3 1425	(我學學		大学のない	Co. The plant of		からればないます。		を表える。		中期的 八	-	以外,是時間	4 14 25							Total Nitrogen	Eff Mo Avg	mg/L no Vio	1	1 71	,,,	4, (1, 1, 1	6.5	(1) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		8.3	15.0	100	25.0	000	2001		10.0	NA NA	1		
Expiration Date Effective Date	MOR	LATE	N/A		36 Tr 6		St. 12.75	2000		10th C 2-460		JA . 1. 1. 1.	٨	湯でんべる	٨	選続と 湯	5							Total Nitrogen	Eff Dally Max	mo/L no Vio	1				4		3.0	1480 - A 2.	r u	-	1	1	,108	H	60 (3/wk) C	ΝA	16		
Exp	TSS	avg % removal	×	97.8	03.4	3 8	1 88	3	98.7	98.7	0 66	A 97770 A		96.2	97.5	98,53	07.B		85	85				Total Nitrogen	Wk Avg Max	oly on Jour	- 1	12.5		12		4 /	4 U (1627)		10 to 15.	3/ 0 3	A .	34 4	1991 375	37.0	4.5	Ϋ́	8	,	
	188	min % removal	×	919	1	5 5 5 5	9/4	15	963	10 × 10 × 10 × 10 × 10 × 10 × 10 × 10 ×	98 1	5.00	880	800	950	· 元 · 0.98 · · · ·	0.00	A CC	40	40			ancy violation(s)	Total Mironen	Eff Mo Avn	ON CO. DO	Mar no vio		1		, , , , , , , , , , , , , , , , , , ,	42 1 1	34 - 3-1-0-5	- 1	60 - 75.	128 1 1	-65 17 01 - FZ	140	62 : rye - t	69	3.0	NA	5		9
TN0029718 0 25 MGD	155	W. Ava Max	spunou	183		11	_	10. 公然2.0	84	127. Com	48	4	4			·*		104 5	133	133			E - Monitorina frequency violation(s)	Phone Bullion Division		En Dally Max	mg/L	003	0.03	- 1	0.03		00371-2-2	0 04	0.04	0 50 1 F3	0.20 11	0 02	0.02 3.45 5	0 50	0 03 (5/wk) G	Ħ		4	7
Permit # 1	365	200	A POINT	sminod	0.21	13.5		热型10.2 (理論)		连	5	1.45 . O Out . 1.45.1	- 1	17.72	1 /207	· 在 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		9.7	100	100			7		- Fecal	Eff Dally Max	omt no Vio		3元 明元	4	1200 * 1 . "e,		198 88	١		7	2	F1	Z PZ	4100	1000 (3/wk) G	н	2 (200)	ļ	5
		155	-	mg/L no vio	091	4.2-> 1::1:- 0.06		新数型 TO 12	10.0	京福 衛子	+	10 On 18 19 18 19 19 19 19 19 19 19 19 19 19 19 19 19	120	6 0 1 1 A 1 2 E			- 0 USASS SECTION	90.0	45 (3/wk) C	1	Ħ	-	Section 1	Limits - Limit (irequency) sample type	Fecal	_	뒽	2	7	2	-	┪	, 1. 强	=	ر. د د د	13	V 3 16 3	6	· ·	9		000	007		
		TSS	WK AVG MAX		1	- 5	30			1 1							2 / 2		40	40			7	- April	ŧ	Eff Dally Max	standard units	80 F2	8.1	7.5	7.6	7.5	8.1	8.4	82 F3	78 F1	7.5 F9	85	73 FS	8.5	8.5 (5/wk) G	(Shark)	(vw/C)		24
/ Corp		TSS	Eff Mo Avg	₩g/L	7.2	구(21조)	2.5	14. 29 1. A.	40	177 00-00	18.787.1E	47	1200 G	0.4		0 4 0	也是公文中。	50	80	30				Winter	E	Eff Daily Min	standard units	7.5	. 74 .	7.4	. 69	0.2	. 69	7.4	. 'n. 72"	68	. 89	7.0	6.6	65	2.5		C Q		
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07/31/01

Expiration Date Effective Date

TN0029718

Permit #

Lynnwood Utility Corp

Facility County

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C - composite

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BEFORE THE TENNESSEE REGULATORY AUTHORITY

Nashville, Tennessee

In re:	PETITION OF LYNWOOD UTILITY)		
	CORPORATION FOR APPROVAL OF)		
	AND AUTHORITY TO BORROW UP)	Docket No.	
	TO \$1,000,000 TO REPAY SHORT)	***	-
	TERM INDEBTEDNESS PURSUANT TO)		
	T.C.A. § 65-4-109)		

PRE-FILED TESTIMONY OF JAMES B. FORD

Q: Please state you name, employer and address.

A: I am James B. Ford. I am self-employed and live at 9679 Aurora Court, Brentwood, TN, 37027 My telephone number is 615-308-8502.

Q: Have you testified before the Tennessee Regulatory Authority before?

A: Yes, when the Authority was the Tennessee Public Service Commission. I have also testified before the Illinois Commerce Commission, Virginia Corporation Commission, Kansas Corporation Commission, Missouri Public Service Commission, Georgia Public Service Commission, North Carolina Regulatory Service Commission, South Carolina Public Service Commission and the Iowa Corporation Commission on various regulatory matters.

- **Q**. Please summarize your business experience.
- A. I have been in the business world for 35 years. I am a licensed Certified Public Accountant in Tennessee. I have also been licensed in Georgia and Kansas. I worked for Arthur Andersen. & Co. for eight years in the Audit Division. I joined United Cities Gas Company in 1978 as Vice President and Controller, and in 1986 I was appointed Senior Vice President, Treasurer and Chief Financial Officer. During this period United Cities made 32 acquisitions and raised more.

than \$300 million in capital to provide for the company's growth. In 1997, United Cities Gas Company was sold to Atmos Energy Corporation. I retired and began consulting work for utilities and small businesses

Q: What is the purpose of your testimony?

A: The purpose of my testimony is to provide background and support for Lynwood Utility Corporation's long-term financing. Lynwood is a very small sewer company that has had to invest a large amount of capital to bring the operation of its sewage treatment plant into compliance with the regulations of the Tennessee Department of Environment and Conservation (TDEC) and with the requirements of its NPDES permit issued to it by TDEC. The necessary upgrades and improvements to the plant have been funded by a \$1,250,000 short-term line of credit from Tenn. Contractors, Inc.

Q: What long-term financing proposals have been obtained by the Company?

A: The Company requested proposals from banks and private investors to pay off the short-term line of credit. The best proposal was from Tenn Contractors, Inc., a private investor. The terms and conditions of this proposal are shown in Exhibit JBF-1.

Q: Were there any other proposals received?

A: Yes, the Company received proposals from First Tennessee Bank and Bank of the South which are shown in Exhibits JBF-2 and JBF-3.

Q: What are the main differences among the three proposals?

A: The bank proposals, JBF-2 and JBF-3, have the same interest rate and conditions and both require the personal guarantee of the shareholders. The private investor's proposal is different in that it is for 20 years, not 10 years, which will not require a refinancing and additional costs at the end of 10 years. The private investor's proposal requires no pledging of accounts receivables 1002789\000319\00034389 WPD/Ver 13

which allows Lynwood to provide working capital to make any required additions to plant and

provide funding for any emergency that may arise.

Q: What recommendation have you made to Lynwood on these proposals?

A: Considering the interest rate is the same with longer terms and the working capital flexibility,

it is my opinion that the private investor's proposal would be the better selection for both the

Company and its customers.

Q: Does this conclude your testimony?

A: Yes.

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LYNWOOD UTILITY CORPORATION **VARIABLE RATE UTILITY PLANT LONG TERM NOTES**

Amount - \$1,000,000.00

Interest Rate - Variable, 2% over WSJ Prime Rate

Adjusted at end of each quarter

-Year 1 & 2 **Repayment Schedule** \$ - 0 - Interest Only

> -Years 3 – 10 -Years 11 – 20 \$ - 50,000.00 per year

> \$ - 60,000.00 per year

Collateral - Lien on plant assets at December 31, 2004 plus

20% of utility plant additions. Balance of plant

value of additions would be available for

additional financing.

Purchaser - c/o Tenn. Contractors. Inc., Private Investor

> 516 Lake Valley Ct. Franklin, TN 37069

Other - Interest to be paid quarterly

> - Note payments shall be made annually at the end of the quarter following the closing date

- Subject to approval of TRA

- Financial statement provided 4 months after

each year end

JBF-2



James M. McGrew, Jr. Senior Vice President

All Things Financial.

February 23, 2005

Mr. John Ring 516 Lake Valley Ct. Franklin, TN 37069

RE: Credit Facility - Lynwood Utility Corporation

Dear Sir:

First Tennessee Bank would propose the following structure for the Credit Facility we discussed.

- Borrower: Lynwood Utility Corporation
- Guarantor: John Ring
- Loan Amount: \$1,000,000
- Interest Rate: Floating FTB Base Rate plus 2%
- Terms/Amortization: 5/15 or 10/15 with up to 2'years Interest Only.
- Security: Lynwood Utility Plant and Assignment of Accounts Receivable

This proposal is for Discussion only, and is not a commitment to finance.

This Credit Facility would be subject to:

- Acceptable Appraisal
- Environment Assessment
- Current Financial Information on Borrower and Guarantor

Should you desire to discuss this further, please contact us.

Sincerely

James M. McGrew

Senior Vice President

First Tennessee Bank National Association P O Box 100 Franklin, TN 37065 0100 Phone (615) 790-5185



Allen M. Henson
Somer Was President

February 24,2005

Lynwood Utility Corporation Mr John D Ring Mr Tyler Ring 516 Lake Valley Court Franklin, TN 37069

Re: Inquiry for funding for Lynwood Utility Corporation

Dear Lynwood Utility Corporation:

We were pleased to meet with you on February 22, and discuss your inquiry for funding in the amount of \$1,000,000 00 to provide long term financing for the Corporation. It is our understanding that should a request for this funding be made, at some point in time, it would be under the following conditions.

- 1 The amount would be \$1,000,000,00.
- The interest rate would be 2% over NYP as posted in the Wall Street Journal and would adjust with Prime on a quarterly basis
- The debt would be amortized over 10 years, with years 1 & 2 being interest only and years 3-9 having interest and \$50,000 principal reduction each year and year 10 being a balloon payment of \$650,000 principal plus interest.
- 4 Collateral would be the all assets of the Corporation, including but not limited to, the real estate, equipment and account receivables, as well as the full personal guarantees of the owners.

Be assured that our Bank would certainly entertain the opportunity to service your financial needs in this matter. We would require complete financial information on the Corporation, including tax returns, balance sheets and income statements. These forms should show the ability to service the debt as structured. The assets of the corporation would need to be appraised and provide evidence of sufficient equity to meet the Bank's standards for this type of loan. Additionally, we would need financial information from the guarantors in the form of tax returns and financial statements, which exhibit the wherewithal to support the debt should the Corporation not be able to do so

Respectfully,

Allen M. Henson, Sr Vice President

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PROMISSORY NOTE (Term)

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Franklın,	Tennessee
	, 2005

FOR VALUE RECEIVED, the undersigned, LYNWOOD UTILITY CORPORATION, a Tennessee corporation, ("Borrower"), promises to pay to TENN. CONTRACTORS, INC., a Tennessee corporation, ("Lender"), having an address at P.O. Box 314, Franklin, TN 37065-0314, the principal sum of One Million and 00/100 Dollars (\$1,000,000 00), together with interest from date until paid, upon disbursed and unpaid principal balances, at the rate hereinafter specified

The interest rate on this Note is subject to change from time to time based on changes in an independent index which is the Wall Street Journal Prime rate as published in the Wall Street Journal. When a range of rates has been published, the higher of the rates will be used (the "Index"). If the Index becomes unavailable during the term of this loan, Lender may designate a substitute index after notice to Borrower. Lender will tell Borrower the current Index rate upon Borrower's request. The interest rate change will occur on a quarterly basis based upon the Index rate as of the first business day of each calendar quarter. The interest rate to be applied to the unpaid principal balance of this Note will be at a rate of two (2) percentage points over the Index NOTICE: Under no circumstances will the interest rate on this Note be more than the maximum rate allowed by applicable law. Whenever increases occur in the interest rate, Lender, at its option, may do one or more of the following (A) increase Borrower's payments to ensure Borrower's loan will pay off by its original final maturity date, (B) increase Borrower's payments to cover accruing interest, (C) increase the number of Borrower's final payment.

Repayment of principal and interest shall be as follows:

- (a) During the first two (2) years of the loan, interest only in arrears shall be payable on the first day of each calendar quarter;
- **(b)** On the third (3rd) through tenth (10th) years of the loan, accrued interest plus quarterly principal payments of Twelve Thousand Five Hundred and 00/100 Dollars (\$12,500.00) each shall be payable on the first day of each calendar quarter;
- (c) From the eleventh (11th) through twentieth (20th) years of the loan, accrued interest plus quarterly principal payments of Twenty Thousand and 00/100 Dollars (\$20,000 00) each shall be payable on the first day of each calendar quarter; and
- (d) Entire unpaid principal balance and accrued and unpaid interest shall be due twenty (20) years from the date hereof.

This loan shall be secured by First Deed of Trust on the land and physical assets of Borrower as of December 31, 2004 and twenty percent (20%) of the utility planned additions thereafter

Unless otherwise agreed or required by applicable law, payments will be applied first to accrued unpaid interest, then to principal, and any remaining amount to any unpaid collection costs. The annual interest rate for this Note is computed on a 365/360 basis; that is, by applying the ratio of the annual interest rate over a year of 360 days, multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. Borrower will pay Lender at Lender's office address shown above, or at such other place as Lender may designate in writing.

During the term of this Note, Borrower shall provide Lender a copy of its annual financial statements for each year on or before April 30th after the end of each calendar year.

Upon default, including failure to pay under final maturity, Lender, at its option, may, if permitted under applicable law, increase the interest rate on this Note to 21.000% per annum. In no event will the effective total interest rate on this Note to be greater than the rate permitted by applicable law.

Lender may hire or pay someone else to help collect this Note if Borrower does not pay. Borrower will pay Lender that amount. This includes, subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees, expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), and appeals. If not prohibited by applicable law, Borrower also will pay any court costs, in addition to all other sums provided by law.

Lender and Borrower hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by either Lender or Borrower against the other.

The terms of this Note shall be binding upon Borrower, and upon Borrower's heirs, personal representatives, successors and assigns, and shall inure to the benefit of Lender and its successors and assigns.

PRIOR TO SIGNING THIS NOTE, THE BORROWER READ AND UNDERSTOOD ALL THE PROVISIONS OF THIS NOTE, INCLUDING THE VARIABLE INTEREST RATE PROVISIONS. BORROWER AGREES TO THE TERMS OF THE NOTE.

LYNWOOD UTILITY CORPORATION

BORROWER ACKNOWLEDGES RECEIPT OF A COMPLETED COPY OF THIS PROMISSORY NOTE.

BY:		
	Tyler L. Ring, President	

F \DAB\John Ring\lynnwood term promissory note 06-05 doc

BORROWER:

5

PROMISSORY NOTE (Line of Credit)

\$1,250,000.00

Franklin, Tennessee January 1, 2005

FOR VALUE RECEIVED, the undersigned, LYNNWOOD UTILITY CORPORATION, a Tennessee corporation, ("Borrower"), promises to pay to TENN. CONTRACTORS, INC., a Tennessee corporation, ("Lender"), having an address at P.O. Box 314, Franklin, TN 37065-0314, the principal sum of One Million Two Hundred Fifty Thousand and No/100 (\$1,250,000.00) Dollars, together with interest from date until paid, upon disbursed and unpaid principal balances, at the rate hereinafter specified, said interest being payable on the first day of each consecutive month hereafter, commencing January 1, 2005, with the final installment of interest being due and payable concurrently on the same date that the principal balance is due hereunder. The entire unpaid principal balance, plus accrued and unpaid interest, shall be due June 30, 2005; however, the Note shall be renewable, at Lender's discretion, for an additional six months upon the terms and conditions set out herein.

The interest rate on this Note is subject to change from time to time based on changes in an independent index which is the Wall Street Journal Prime rate as published in the Wall Street Journal. When a range of rates has been published, the higher of the rates will be used (the "Index"). The Index is not necessarily the lowest rate charged by Lender on its loans. If the Index becomes unavailable during the term of this loan, Lender may designate a substitute index after notice to Borrower. Lender will tell Borrower the current Index rate upon Borrower's request. The interest rate change will not occur more often than each day. The interest rate to be applied to the unpaid principal balance of this Note will be at a rate of two (2) percentage points over the Index. NOTICE: Under no circumstances will the interest rate on this Note be more than the maximum rate allowed by applicable law. Whenever increases occur in the interest rate, Lender, at its option, may do one or more of the following: (A) increase Borrower's payments to ensure Borrower's loan will pay off by its original final maturity date, (B) increase Borrower's payments to cover accruing interest, (C) increase the number of Borrower's payments, and (D) continue Borrower's payments at the same amount and increase Borrower's final payment.

Unless otherwise agreed or required by applicable law, payments will be applied first to accrued unpaid interest, then to principal, and any remaining amount to any unpaid collection costs. The annual interest rate for this Note is computed on a 365/360 basis, that is, by applying the ratio of the annual interest rate over a year of 360 days, multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding. Borrower will pay Lender at Lender's office address shown above, or at such other place as Lender may designate in writing.

Upon default, including failure to pay under final maturity, Lender, at its option, may, if permitted under applicable law, increase the interest rate on this Note to 21.000% per annum. In no event will the effective total interest rate on this Note to be greater than the rate permitted by applicable law.

Lender may hire or pay someone else to help collect this Note if Borrower does not pay. Borrower will pay Lender that amount. This includes, subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses, whether or not there is a lawsuit, including attorneys' fees, expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), and appeals. If not prohibited by applicable law, Borrower also will pay any court costs, in addition to all other sums provided by law.

Lender and Borrower hereby waive the right to any jury trial in any action, proceeding, or counterclaim brought by either Lender or Borrower against the other.

The terms of this Note shall be binding upon Borrower, and upon Borrower's heirs, personal representatives, successors and assigns, and shall inure to the benefit of Lender and its successors and assigns.

PRIOR TO SIGNING THIS NOTE, THE BOROWER READ AND UNDERSTOOD ALL THE PROVISIONS OF THIS NOTE, INCLUDING THE VARIABLE INTEREST RATE PROVISIONS. BORROWER AGREES TO THE TERMS OF THE NOTE.

BORROWER ACKNOWLEDGES RECEIPT OF A COMPLETED COPY OF THIS PROMISSORY NOTE.

BORROWER:

LYNNWOOD UZILITY CORPORATION

BY:

r Ring. Presiden

F.\DAB\John Ring\lynnwood line of credit 03-05.doc